

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
SEPTEMBER 7, 2022**

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:35 PM.

Adequate Notice of the meetings of the Zoning Board of Adjustment of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2022, and January, 2023 was published in the Chatham Courier and the Morris County Daily Record, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Fitt, Mr. McHugh and Mr. Sood.

Mr. Silva arrived late.

Mr. Borsinger was absent.

Also present were Board Attorney Amanda Wolfe, Township Planner Frank Banisch and Engineer Dan Honoshowsky in place of Board Engineer John Ruschke.

Approval of Minutes

Mr. McHugh moved to approve the minutes of the July 21, 2022 meetings. Mr. Sood seconded the motion which carried unanimously.

Hearings

Calendar BOA-22-007 Mr. Johnson & Mrs. Gustafson 2 Aberdeen Road Block 117 Lot 15

Mr. Vivona read into the record a site visit report that was prepared by Mr. Borsinger.

Fred Zelley, an attorney representing the applicant, provided an overview of the application.

The applicant's professionals and the Board professionals were sworn in to give testimony.

Chris Johnson, the applicant, stated that he purchased his home in 2013. He stated that the variance request is for a foyer extension and covered porch to provide adequate space for egress from his house. He noted a desire to preserve the character of the house. Mr. Johnson stated that the enclosed portion of the vestibule will be an additional 5 feet into the front yard, and will be 5'x10'. The covered porch, including the steps, will be an additional 5 feet of projection. Mr. Johnson described the dormers on the home.

Robert Kiser, an engineer and planner representing the applicant, provided his qualifications and was accepted as an expert. Mr. Kiser provided an overview of the application. He stated that the improvements are five feet closer to the street and enhance the property. Mr. Kiser confirmed that there are areas of wetlands on the western side of the property, but they are not impacted by the application. There are not any steep slopes on the property, and no trees will be removed as part of this application.

Mr. Johnson repeated his testimony so that members of the Planning Board who arrived late could hear it.

Mr. McHugh stated that he is in favor of granting the application. Mr. Banisch also commented on the safety aspects of the application and said the variance will help make the home safer.

Mr. Honoshowsky said that there are steep slopes on the property, however there is not any proposed steep slope disturbance in this application.

Ms. Wolfe confirmed that there are not any special conditions for this application.

Mr. McHugh moved to approve the application. Mr. Sood seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Absent; Mr. Fitt, Recused; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Sood, Aye.

Mr. Vivona stated that the next meeting is on October 20th at which a resolution will be adopted for memorialization. Ms. Wolfe said she will inform the Building Department that the application was approved and permits can be issued.

Calendar BOA-22-014 T-Mobile Northeast LLC, 405 Southern Blvd Block: 48.16 Lot: 117.27

Frank Ferraro, an attorney representing the applicant, said that T-Mobile is seeking to upgrade their existing telecommunications facility at 405 Southern Boulevard. There is currently a 30-foot tall lattice tower and T-Mobile has 9 antennas and some remote radio heads. T-Mobile is the fourth carrier down from the top of the tower. The application is to remove the existing antennas and radio heads, and to install 9 new antennas at the same location with 6 RRUs installed behind the antennas. One of the equipment cabinets will be replaced with two smaller cabinets within the existing lease space.

Anthony Cristiano, an engineer representing the applicant, was sworn in to give testimony. The Board Professionals were also sworn in. Mr. Cristiano provided his qualifications and was accepted as an expert.

Mr. Cristiano testified that the application will not result in a change to the height or width of the tower. There will be three cabinets. There is not any proposed excavation outside the current fenced compound area. Mr. Cristiano stated it is a standard lattice tower without any concealment. He further stated that the proposal will not conflict with any prior approvals for the site.

Mr. Ferraro stated that the application qualifies as an Eligible Facility Request under Federal law. He stated that the FCC gave the applicant six part test to determine if the proposed upgrade would result in a substantial change which was addressed by the testimony given by Mr. Cristiano. As the application falls within that criteria, it would be exempt from site plan approval or any other discretionary local zoning approvals.

Mr. Cristiano stated that he reviewed the review letter issued by Mr. Ruschke, and there are not any wetlands issues with the application. There will not be any ground disturbance. Mr. Cristiano also confirmed that there is not any objection to submitting the structural report that would be part of the building permit package. Mr. Honosowsky confirmed receipt of the structural report. Mr. Cristiano stated that there will not be any increase in noise.

Mr. Ferraro stated that the applicant will submit an emissions compliance report following installation of the equipment. Mr. Ferraro also stated that T-Mobile will stipulate to only operate within their FCC-licensed frequency range so that there is no interference with neighboring equipment.

Mr. Cristiano agreed to check the map scales and final antenna layout on the drawings, and said he will make corrections as necessary. He also said there is enough space between the proposed antennas and the existing neighboring antennas. There is not any need to upgrade the dunnage that the equipment will be sitting on, as the weight is about the same as the existing equipment. Details are provided on the electrical sheets for the grounding.

Mr. Vivona asked if the tower in question is the one behind the Police Headquarters. Mr. Cristiano confirmed that is the tower, and it is in the DPW Yard. Mr. Vivona asked about the enclosure. Mr. Cristiano said it is a chain-link fence. Mr. Vivona stated that the enclosure will need to be maintained and any damage during construction will need to be repaired. Mr. Cristiano said the construction should take about two weeks. Mr. Ferraro said the applicant will stipulate that any damage to the compound will be repaired.

Ms. Wolfe asked if there is normally a condition about the colors of the wires. Mr. Vivona said that he does not think this application needs any conditions on that matter. Mr. Cristiano said that the needed wires are mostly already in place.

Mr. Fitt moved to approve the application. Mr. McHugh seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Absent; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Sood, Aye.

Calendar BOA-22-003 Mr. Jake Vachal 26 Scenery Hill Drive Block 102.04 Lot 23

Ms. Wolfe confirmed that adequate notice was provided and the Board has jurisdiction to hear this application.

Mr. Vachal said that his lot is oddly and irregularly shaped. The application seeks to build a covered porch in the backyard.

Mr. McHugh read the Site Visit report into the record.

Mr. Vachal, the applicant's professionals and the Board Professionals were sworn in to give testimony.

Shaun Scott, the contractor representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Scott stated that the current home is an existing non-conforming lot in terms of principal structure coverage. The requirement is 2922 square feet which would be exacerbated due to the irregular shape of the lot. The variance is for 15 square feet.

Mr. Vivona noted that the application is for a patio and a covered deck, not for any living space.

Mr. Honoshowsky said that there was a 2013 survey showing a smaller size for the principal structure, and information on improvements to the home since that time is requested. Mr. Honoshowsky also said that if the Board approves the application, a lot grading plan is requested to address any stormwater issues. He said there may be existing drywells on the property, and the lot grading plan will help verify how water from the proposed addition will drain.

Mr. Vivona noted that it is an oddly shaped lot.

Mr. Silva moved to approve the application subject to the conditions in the review memo from Mr. Ruschke's office. Mr. Sood seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Absent; Mr. Fitt, Recused; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Sood, Aye.

Mr. Vivona said that the next meeting will be on October 20th. He also said that Ms. Wolfe will let the Construction Official know that the application was approved so that permits can be issued.

Calendar BOA 22-016 Dish Wireless LLC, 300 Shunpike Road. Block: 95 Lot: 18.01

Mr. Ferraro, the attorney representing the applicant, gave an overview of the application. He noted that it is an eligible facilities request.

The Board Professionals and the witnesses were sworn in to give testimony.

Eric Sudman, an engineer representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Sudman indicated that there will not be any impact to the height or width of the tower. The only excavation will be for utility work, but that will be within the compound. The colocation will not violate any wetlands transition areas.

Mr. Ferraro stated that the applicant will stipulate that the proposed equipment will not interfere with any public safety communications equipment and will operate within its own licensed frequency range.

Mr. Sudman stated that the wires will be painted gray. He also testified that there will not be any noise violations created. The monopole is rated for three carriers.

Mr. Vivona stated that any damage created by the project will need to be remediated by the applicant.

Mr. Fitt moved to grant the application. Mr. Silva seconded the motion.

Roll Call: Mr. Vivona, Aye; Mr. Borsinger, Absent; Mr. Fitt, Aye; Mr. McHugh, Aye; Mr. Silva, Aye; Mr. Sood, Aye.

Calendar BOA-22-005 Mr. & Mrs. Boyd 51 Meadowbrook Road Block 93 Lot 3

Ms. Wolfe confirmed that the Board has jurisdiction to hear this application.

The Board professionals, the applicant and the applicant's professionals were sworn in to give testimony.

Mr. Vivona explained the Board process and addressed what happens at a site visit.

Justin Boyd provided an overview of the application. He said that they would like to widen the driveway and put a dormer into one of the bedrooms so that a closet can be installed. The Boyd's also want to enclose the three-season porch so that it can be a small family room.

Mr. Klesse, the architect representing the applicant, said that the family is improving the house to facilitate continuing to live there. He also shared pictures of the home to show existing conditions and to highlight the area where a dormer will be added. An aerial view was also presented to show where the municipal boundary between Chatham Township and Chatham Borough is located.

Mrs. Boyd stated that she and her husband will be out of town visiting their kids at college on the day of the site visit. Mr. Vivona said that as long as Mr. Klesse is present, the site visit can continue and the Board's questions can be answered. He also stated that the Borough was noticed of the application.

Mr. Klesse presented drawings to show where there is an existing retaining wall, and it is proposed to level the area to create a patio. Elevations were also presented to show what the house will look like with the addition of the dormer.

Mr. Honoshowsky said that because the addition near the garage is no closer to the property line than the existing garage, the rear-yard variance is not required.

Mr. Vivona noted that the Site Visit will be on October 1st and the hearing will continue on October 20th.

Mr. Vivona also noted that the Board is in need of volunteers to fill the current vacancies.

Mr. Fitt moved to adjourn at 9:10 PM. Mr. McHugh seconded the motion, and the motion carried unanimously.

Gregory J. LaConte
Recording Secretary